

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

VIACOM INTERNATIONAL INC.,	§	
	§	
	§	
<i>Plaintiff</i>	§	
	§	C.A. No. 4:16-cv-00257
V.	§	Jury Trial Demanded
	§	
IJR CAPITAL INVESTMENTS, LLC,	§	
	§	
	§	
<i>Defendant</i>	§	

**DEFENDANT IJR CAPITAL INVESTMENTS, LLC'S
COMBINED MOTION FOR AN EXTENSION OF TIME
TO FILE A SUMMARY JUDGMENT MOTION
AND MOTION FOR SUMMARY JUDGMENT OUT OF TIME**

Defendant moves this honorable Court for an extension of time to file this summary judgment motion on all counts pending in this action. The Court's deadline for filing dispositive motions was September 30, 2016. However, upon receiving and having an opportunity to review Plaintiff's motion for summary judgment on all but one pending count, Defendant's counsel now believes that this case is entirely resolvable by summary judgment decided by this Court and that a trial should not be necessary.

Consequently in the interest of judicial efficiency and in an effort to make defending this lawsuit as economical as reasonably possible, undersigned counsel humbly requests this honorable Court to grant her motion for an extension of time to file a motion for summary judgment on all of Plaintiff's counts.

Defendant also thus moves for summary judgment out of time on all counts for the reasons set forth in the attached memorandum, which also serves as a memorandum in opposition to Plaintiff's motion for summary judgment on all but one count.

October 21, 2016

Respectfully submitted

s/Karen B. Tripp

Karen B. Tripp
Attorney in Charge for Defendant
Texas State Bar No. 03420850
Southern District of Texas No. 2345
4265 San Felipe, Suite 1100
Houston, TX 77027
(713) 658-9323 office phone
(713) 968-9888 office fax

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing DEFENDANT IJR CAPITAL INVESTMENTS, LLC'S COMBINED MOTION FOR AN EXTENSION OF TIME TO FILE A SUMMARY JUDGMENT MOTION AND MOTION FOR SUMMARY JUDGMENT OUT OF TIME, and an attached Proposed ORDER were served upon all opposing parties, or their counsel of record, by first class mail with a courtesy copy via internet on October 21, 2016.

Tyson David Smith
Stephen P. Meleen
Pirkey Barber PLLC
600 Congress Ave, Suite 2120
Austin, TX 78701
tsmith@pirkeybarber.com

s/Karen B. Tripp
Karen B. Tripp

CERTIFICATE OF CONFERENCE

I conferred with Tyson David Smith, counsel for Plaintiff, on October 21, 2016, and in that conference I requested his agreement to this intended motion for extension of time to file a summary judgment motion. He advised that Plaintiff would oppose the extension.

s/Karen B. Tripp
Karen B. Tripp